FOR IMMEDIATE RELEASE
February 16, 2021

73 Criminal Justice Leaders Back Landmark NJ Policy Limiting Local Entanglement in Federal Immigration Enforcement

Yesterday, 73 current and former elected prosecutors and law enforcement leaders, and former Attorneys General and Department of Justice officials, filed an amicus brief in the United States Third Circuit Court of Appeals in support of New Jersey’s landmark Immigrant Trust Directive – a statewide policy that aims to fortify trust between immigrant communities and local law enforcement by limiting voluntary assistance in federal immigration enforcement activities. As these national criminal justice leaders highlight in the brief, local law enforcement involvement in immigration enforcement can deeply erode public trust and exacerbate fear within immigrant communities, making them less likely to report crimes and cooperate with investigations. New Jersey’s thoughtful policy is therefore essential to promoting public safety.

“At a time when trust between law enforcement and the people they serve is already deeply fractured, local criminal justice leaders should be free to invest in building relationships with the community, not forced to act as immigration enforcers,” said Miriam Krinsky, Executive Director of Fair and Just Prosecution and a former federal prosecutor. “Mandates that entangle local law enforcement in immigration enforcement further erode public trust, compromise the safety of our communities and create more precarious conditions for some of our country’s most vulnerable residents. It is past time for a new vision for our nation’s immigration system: one in which no one is caged, deported or punished for seeking safety, freedom and the American dream. New Jersey’s Immigrant Trust Directive is a critical step in the right direction.”

In the brief, amici cite numerous studies showing that immigrants are less likely to report crimes because of fear related to their immigration status, and because of this, they are more susceptible to becoming victims themselves. As amici note, “[t]he risk to the perpetrators...is minimal because the victims are often too afraid of adverse immigration consequences to report the crimes to the police.”

“As a law enforcement leader, I have committed to – and take pride in – protecting every member of my community, including immigrants who have come to our country in pursuit of a better life,” said Washtenaw County, Mich. Sheriff Jerry Clayton, one of the signatories on the brief. “Putting immigration enforcement in the hands of local officers deters victims and witnesses from reporting crimes and increases the likelihood that these essential members of our community become victims of crime themselves, threatening public safety that I work to advance every day.”
Amici further argue that local and state involvement in immigration enforcement diverts critical resources from efforts necessary to promote safer and healthier communities, noting that “complying with ICE detainer requests can add staggering costs—in some cases, tens of millions of dollars annually.” At a time of limited budgets resulting from the ongoing COVID-19 pandemic, it is both dangerous and fiscally irresponsible to shift local resources into immigration enforcement.

“The people elected me to promote public safety for everyone in the community, regardless of their citizenship status,” said Santa Clara County, Calif. District Attorney Jeff Rosen, another signatory on the brief. “We should be reaching out to immigrant communities, not isolating them by putting individuals and their families in more danger.”

“The attacks on New Jersey’s Immigrant Trust Directive threaten to divert critical resources from efforts to transform the relationship between law enforcement and the communities they serve,” said Mary McCord, Legal Director of Georgetown Law’s Institute for Constitutional Advocacy and Protection and a former federal prosecutor. “Building trust with immigrant communities is essential for public safety.”

Read the brief here, and for a list of amici, see below.

###

Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our website and follow us on Facebook and Twitter.

ICAP uses the power of the courts to defend American constitutional rights and values. Based at Georgetown Law Center, ICAP draws on expert litigators, savvy litigation strategy, and the constitutional scholarship of Georgetown to vindicate individuals’ rights and to protect America’s constitutional way of life. More information about ICAP can be found at law.georgetown.edu/icap.

List of Amici

Diana Becton  
District Attorney, Contra Costa County, California

Wesley Bell  
Prosecuting Attorney, St. Louis County, Missouri

Richard Biehl  
Chief, Dayton Police Department, Ohio

Sherry Boston  
District Attorney, Dekalb County, Georgia
Chesa Boudin
District Attorney, City and County of San Francisco, California

RaShall M. Brackney, Ph.D
Chief, Charlottesville Police Department, Virginia

Joseph Brann
Former Chief, Hayward Police Department, California
Former Director, Office of Community Oriented Policing Services (COPS), U.S. Department of Justice

Aisha Braveboy
State’s Attorney, Prince George’s County, Maryland

Jim Bueermann
Former Chief, Redlands Police Department, California
Former President, National Police Foundation

Chris Burbank
Vice President, Law Enforcement Strategy, Center for Policing Equity
Former Chief, Salt Lake City Police Department, Utah

John T. Chisholm
District Attorney, Milwaukee County, Wisconsin

John Choi
County Attorney, Ramsey County, Minnesota

Jerry L. Clayton
Sherriff, Washtenaw County, Michigan

Dave Clegg
District Attorney, Ulster County, New York

Brendan Cox
Former Chief, Albany Police Department, New York

Satana Deberry
District Attorney, Durham County, North Carolina
Parisa Dehghani-Tafti  
Commonwealth’s Attorney, Arlington County and the City of Falls Church, Virginia

Brandon del Pozo  
Former Chief, Burlington Police Department, Vermont

Steve Descano  
Commonwealth’s Attorney, Fairfax County, Virginia

Michael Dougherty  
District Attorney, 20th Judicial District (Boulder County), Colorado

Mark Dupree  
District Attorney, Wyandotte County, Kansas

Kim Foxx  
State’s Attorney, Cook County, Illinois

Gil Garcetti  
Former District Attorney, Los Angeles County, California

Kimberly Gardner  
Circuit Attorney, City of St. Louis, Missouri

Stan Garnett  
Former District Attorney, 20th Judicial District (Boulder County), Colorado

José Garza  
District Attorney, Travis County, Texas

George Gascón  
District Attorney, Los Angeles County, California  
Former District Attorney, City and County of San Francisco, California  
Former Chief, San Francisco Police Department, California  
Former Chief, Mesa Police Department, Arizona

Sarah F. George  
State’s Attorney, Chittenden County, Vermont
Sim Gill
District Attorney, Salt Lake County, Utah

Joe Gonzales
District Attorney, Bexar County, Texas

Deborah Gonzalez
District Attorney, Western Judicial District, Georgia

Eric Gonzalez
District Attorney, Kings County, New York

Mark Gonzalez
District Attorney, Nueces County, Texas

Andrea Harrington
District Attorney, Berkshire County, Massachusetts

John Hummel
District Attorney, Deschutes County, Oregon

Natasha Irving
District Attorney, Prosecutorial District 6, Maine

Michael Jackson
District Attorney, Dallas County, Alabama

Melinda Katz
District Attorney, Queens County, New York

Justice F. Kollar
Prosecuting Attorney, Kaua‘i County, Hawaii

Lawrence S. Krasner
District Attorney, Philadelphia, Pennsylvania

Miriam Aroni Krinsky
Former Assistant U.S. Attorney, Criminal Appellate Chief, and General Crimes Chief, Central District of California
Former Chair, Solicitor General’s Criminal Appellate Advisory Group
William Lansdowne
Former Chief, San Diego Police Department, California
Former Chief, San Jose Police Department, California
Former Chief, Richmond Police Department, California

Scott Lassar
Former U.S. Attorney, Northern District of Illinois

Law Enforcement Action Partnership (LEAP)

Patricia Madrid
Former Attorney General, New Mexico

Chris Magnus
Chief, Tucson Police Department, Arizona

Beth McCann
District Attorney, 2nd Judicial District (City and County of Denver), Colorado

Mary McCord
Former Acting Assistant Attorney General and Principal Deputy Assistant Attorney General for National Security, U.S. Department of Justice
Former Assistant U.S. Attorney and Chief, Criminal Division, District of Columbia

Garry McFadden
Sherriff, Mecklenburg County, North Carolina

Ryan Mears
Prosecuting Attorney, Marion County, Indiana

Marilyn Mosby
State’s Attorney, Baltimore City, Maryland

Jody Owens
District Attorney, Hinds County, Mississippi

Joe Pelle
Sherriff, Boulder County, Colorado
Joseph Platania
Commonwealth’s Attorney, City of Charlottesville, Virginia

Abdul Pridgen
Chief, Seaside Police Department, California

Ira Reiner
Former District Attorney, Los Angeles County, California
Former City Attorney, City of Los Angeles, California

Rachael Rollins
District Attorney, Suffolk County, Massachusetts

Jeff Rosen
District Attorney, Santa Clara County, California

Stephen Rosenthal
Former Attorney General, Virginia

Marian Ryan
District Attorney, Middlesex County, Massachusetts

Dan Satterberg
Prosecuting Attorney, King County, Washington

Eli Savit
Prosecuting Attorney, Washtenaw County, Michigan

Mike Schmidt
District Attorney, Multnomah County, Oregon

Carol Siemon
Prosecuting Attorney, Ingham County, Michigan

Norm Stamper
Former Chief, Seattle Police Department, Washington
Darrel Stephens
Former Chief, Charlotte-Mecklenburg Police Department, North Carolina
Former Chief, St. Petersburg Police Department, Florida
Former Chief, Newport News Police Department, Virginia
Former Chief, Largo Police Department, Florida
Former President, Major Cities Chiefs Association

David Sullivan
District Attorney, Northwestern District, Massachusetts

Raúl Torrez
District Attorney, Bernalillo County, New Mexico

Anthony F. Troy
Former Attorney General, Virginia

Matthew Van Houten
District Attorney, Tompkins County, New York

Cyrus R. Vance
District Attorney, New York County, New York

Andrew Warren
State Attorney, Thirteenth Judicial Circuit (Hillsborough County), Florida

William Wilmoth
Former U.S. Attorney, Northern District of West Virginia